

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: Jorge Colon
Debtor

and Dennise Colon

Co-Debtor

LSF9 Master Participation Trust, by Caliber
Home Loans, Inc., Solely in its Capacity as
Servicer, or its Successor or Assignee

Movant

vs.

William C. Miller, Esquire, Trustee
Jorge Colon and Dennise Colon
Respondent(s)

Chapter 13
Bankruptcy No. 18-12337-mdc

SETTLEMENT STIPULATION

WHEREAS, on April 6, 2018, Jorge Colon (the "Debtor") filed a Petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania;

WHEREAS, on December 5, 2019, LSF9 Master Participation Trust, by Caliber Home Loans, Inc., Solely in its Capacity as Servicer (Movant) filed a Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. Section 362(a) (the "Motion") regarding property located at: 8837 Roosevelt Blvd, Philadelphia, Pennsylvania 19152;

WHEREAS, Movant and the Debtors are desirous of settling the dispute among and between themselves;

NOW THEREFORE, each in consideration of the promises of the other and intending to be legally bound, subject to the approval of the Bankruptcy Court, it is hereby agreed by and among counsel for Movant, by and through its attorneys, MARGARET GAIRO, ESQUIRE, MARISA M. COHEN, ESQUIRE, ANN E. SWARTZ, ESQUIRE, LAUREN M. MOYER, ESQUIRE, and JOHN M. KOLESNIK, ESQUIRE, and the Debtors, by and through their counsel, Brad J. Sadek, ("Debtors' Counsel") as follows:

1. The parties hereby certify that the post-petition delinquency is \$3,535.60, consisting of post-petition payments and late charges for the months of October 1, 2019 through January 1, 2020. Debtors' monthly mortgage payment is \$958.90. In addition, Movant has incurred attorney fees and costs totaling \$1,031.00. Debtor is credited with funds in suspense in the amount of \$300.00.
2. On or before January 31, 2020, the Debtor shall make a payment of \$958.90 payable to Movant, c/o McCabe, Weisberg & Conway, LLC, 123 S. Broad Street, Suite 1400, Philadelphia, PA 19109, thereby reducing the post-petition arrearage to \$2,576.60.
3. Within thirty (30) days of the date of this Stipulation, the Debtor shall file an Amended Chapter 13 Plan to provide cure for the balance of the post-petition delinquency in the amount of \$2,576.60 and attorney fees and costs of \$1,031.00 for a total of \$3,607.70 as referenced in Paragraph 1 of this Stipulation.
4. Upon filing of the Amended Chapter 13 Plan, Movant shall amend its Proof of Claim to include the balance of the post-petition delinquency in the amount of \$2,576.60 and attorney fees and costs of \$1,031.00 for a total of \$3,607.70 as referenced in Paragraph 1 of this Stipulation.
5. Debtor shall resume making regular monthly mortgage payments in the amount of \$958.90 beginning on February 1, 2020. All payments are to be made payable to LSF9 Master Participation Trust, by Caliber Home Loans, Inc., Solely in its Capacity as Servicer at the following address: 13801 Wireless Way, Oklahoma City, Oklahoma 73134-2500.

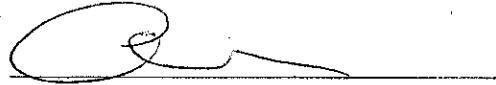
6. The last four digits of your loan number 4796. Please remember to write your entire account number on the lower left-hand corner of your payment to ensure proper processing.

7. Should Debtors fail to comply with any of the terms of this Stipulation, including but not limited to, failure to file an Amended Chapter 13 Plan providing for cure of the post-petition delinquency, failure to make the above described payments, or any regular monthly mortgage payment commencing after the cure of the post-petition delinquency, then Movant may send Debtors and counsel a written notice of default of this Stipulation. If the default is not cured within ten (10) days of the date of the notice, counsel for Movant may file a Certification of Default with the Court. Said Certification of Default may include a certification of Debtors' failure to pay subsequent payments that fall due after the date of the notice of default. Upon Certification, the Court shall enter an Order granting relief from the automatic stay as to the mortgaged property.

8. In the event the Debtors convert their case to Chapter 11, the terms of this Stipulation shall remain in full force and effect. In the event that Debtors convert their case to a Chapter 7, Debtors shall cure all pre-petition and post-petition arrears within ten (10) days of the date of conversion. Failure to cure the arrears shall constitute an event of default under this Stipulation and Movant may send Notice of Default and certify default as set forth in the preceding paragraph.

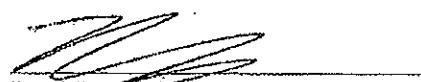
9. Attorney fees and costs for issuing Notice to Cure, Notice / Certificate / Affidavit of Default, and order for relief are recoverable and may be added to the arrearage.

10. Counsel for Debtor has authority to settle this matter on behalf of his client.



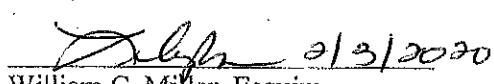
Ann E. Swartz, Esquire
Lauren M. Moyer, Esquire
McCabe, Weisberg & Conway, LLC
123 S. Broad Street
Suite 1400
Philadelphia, PA 19109
Attorney for Movant

1/31/2020
Date



Brad L. Sadek
Sadek and Cooper
1315 Walnut Street
Suite 502
Philadelphia, Pennsylvania 19107
Attorney for Debtors

1/31/20
Date

 2/1/2020
William C. Miller, Esquire
Chapter 13 Trustee
P.O. Box 1229
Philadelphia, PA 19105

NO OBJECTION

*without prejudice to any
trustee rights or remedies